Spinnaker proposed excavation

Blue Category
HT
Hoffman, Timothy <tim.hoffman@dinsmore.com>
Tue 6/23/2020 8:35 AM

To:

- Hersh, Stuart

Cc:

- Kolak, Shari;
- 'John Bowen' <john@maksolve.com>

ATT00001.txt
401 bytes

Hello Stuart and Shari. Thank you for the comments provided. Below are the responses prepared by MakSolve. Also the schedule has been pushed back until mid-July due to a delay by DPL in getting back to us about the relocation of a light pole in the excavation area that belongs to DPL. Let me know if you have any questions. Tim.

1. **Comment:** ***[…discrete samples (not composite) are required for verifying the extent of contaminated soil excavation meets remedial objectives.]***

   Response: On page 13 (*Section 3.3.2 Documentation of Analytical Soil Samples and Field Data*) of the Phase II LSI Work (Phase B) Work Plan, the use of the word "composite" was an oversight in describing the sampling approach and methodology discussion. The correct word should be "discrete." The word "composite" will be removed and the sentence corrected to say, "*Each confirmation soil sample ID will include information as to the excavation (pit) location area, the depth at which the confirmation sample is collected, the type of confirmation soil sample being collected (QC, discrete sidewall soil sample, or discrete pit bottom soil sample), and the sample ID matrix code (primary or QC sample)*."

2. **Comment:** ***["…at MSB-13, the proposed excavation depth is 2 feet on Figure 6 but TCE was detected at 9,000 ppb at a depth of 4-6 ft."]***

   Response: The excavation area in question (yellow-colored polygons A and B, shown in Figure 6, Attachment of the *Phase II LSI (Phase B) Work Plan*) partially overlies the on-site excavation area that is represented by the larger grey-colored polygon. Soil within the grey polygon area will be excavated to a depth of 8 feet below ground surface (bgs), prior to excavation work

being completed in the yellow polygon areas A and B. Because the yellow-colored polygon B, specifically, overlies the grey-colored polygon, only an additional 2 feet of soil removal is required from the area represented by yellow-colored polygon B. Together, the 8 feet of soil removed in the area of the grey-colored polygon, and the additional 2 feet of soil removal in the area of yellow polygon B, a total excavation depth of 10 feet will be achieved in the area of yellow polygon B. The question from EPA, regarding this clarification, may be due to the overlapping nature of the polygons on Figure 6, as it may not have been clear that yellow polygon B represents additional excavation, following the excavation of soil from the grey polygon area.

3. **Comment:** "***Appendix C (Phase A LSI Laboratory Analytical Data) the ALS Environmental laboratory reporting limits are quite high, I assume because they used a dilution factors of 1, 20-, and in several cases a dilution factor of 125 was used for TCE analysis in sample MSB-15 2-4. I'm not a chemist but I'm pretty sure this is unacceptable."***

   Response: For clarification, the issue of sample dilution was specifically discussed with Rob Nieman, Project Manager at ALS Environmental (Analytical Testing Laboratory). For the samples in question (MSB-15 2-4 and MSB-13 4-6), each with dilution factors of 125, ALS noted that they recovered a TCE value on the straight run (no dilution), for each of these two samples, that exceeded the laboratory's instrument calibration range. In order to get a TCE value within the calibration range, a 125x dilution was used. Per discussion with ALS, this is standard practice (i.e., sample dilution), such that, if a value is above the calibration range of the analytical testing instrument, the sample needs to be diluted to get the value within range. The laboratory can report the undiluted number, but the sample result with be flagged with an "E" to indicate that the result is above the calibration range and should be considered estimated. Once the result goes above the calibration range, the laboratory cannot ensure the validity of the result. As such, sample dilution is a standard and acceptable practice used by the analytical laboratory in analysis of environmental samples.

4. **Comment:** "***Also, the extent of the TCE/PCE contamination to the west of MSB-13 (in the neighbors yard) as no supplemental sampling, to define this area, was performed. I was under the impression that a second phase of supplemental sampling would be conducted as a next step instead of proposing to excavate blindly excavating in this area."***

   Response: Through review of previous U.S. EPA investigation data and the Final Focused Feasibility Study (FFFS; August 2017), Spinnaker was of the understanding that the offsite area in question was not of concern regarding soil contamination and site constituents of concern (VOCs TCE and PCE). Specifically, the FFFS report showed that soil samples collected from 1 foot bgs and 4 feet bgs at boring location SB005, which was advanced within the offsite area in question, contained only acetone and methyl acetate, at concentrations below the site SLs. Further, for additional soil samples collected from soil borings advanced in this same subject offsite area, the FFFS report illustrates the soil sample/boring locations on a Figure 1-8 and states, "Figure 1-8 shows locations of soil samples in this area and indicates that no VOCs were detected above site SLs in any of the samples collected." To address the EA-6 and

surrounding areas, a Soil Remedial Alternative (Alternative S-2) described in the FFFS report addresses soil contamination at EA-6 by proposing soil excavation/removal to a depth of 6 feet bgs. From this proposed alternative, MAKSolve proposed and completed the LSI Phase A sampling and analysis in March 2020 and, in so doing, redefined the EA-6 excavation area so there would not be "blind excavation." With that redefinition, certain previously defined areas of possible excavation in EA-6 were eliminated due to the sampling results. However, the redefined excavation area also includes areas not in the originally drawn EA-6 area, based on the sampling results and modeling of the extent of contamination above SLs. That includes the area to the west of MSB-13, offsite of the Spinnaker property (access agreements from the City of Troy, for the right-of-way and the private property owner, have been obtained). Discreet soil sampling will be completed to determine the maximum extents of excavation work (i.e., define the excavation boundaries) as digging proceeds to the west and offsite from EA-6, as well onsite at EA-6 proper.

5. **Comment:** "***They need to follow OEPA soil sampling guidance (attached).***"

Response: A discussion with regard to generic numerical standards seems unnecessary, as we have already discussed scope and approach with USEPA and have stated that our approach and methodology will adhere to the same guidelines as were followed during prior investigation by USEPA (i.e., sampling protocol and results comparison to the same regulatory standards, site PRGs). The specific methodologies cited and emailed/attached by EPA, from guidance provided in ***Division of Environmental Response & Revitalization Field Standard Operating Procedures (DERR FSOPs),*** were reviewed and are found to be consistent with the field and sampling approach and procedures as described in the Site-Specific Work Plan prepared for the EA-6 and areas immediately adjacent and offsite. It should be emphasized that, not only will 1,500 yds^3 of soil be excavated, removed, and disposed offsite, continuous field screening and confirmation analytical soil sampling will also be performed. Discrete confirmation soil samples will be collected for quick-turnaround (less than 24 hours) laboratory analysis to show that the vertical and lateral extents of impacted soils have been addressed (i.e., soil removed and disposed), and that the potential presence of site constituent concentrations in the remaining soils (i.e., EA-6 and immediately adjacent offsite areas) are at acceptable concentrations and below established site PRGs.

To address the guidance that was provided by Mr. Glum, specifically, OAC 3745-300-08, research and review of the OAC shows that the guidance OAC 3745-300-08 was updated (see link hyperlink below), effective October 17, 2019. Further, confirmation soil sample results at EA-6 and offsite will be compared to soil standards that are more stringent that those presented in the OAC guidance; as such, Spinnaker is completing this environmental investigation to best address the soil impacts present at EA-6 and the areas immediately adjacent and offsite of EA-6.

Here is the link to the updated guidance regarding generic numerical standards.
http://codes.ohio.gov/oac/3745-300-08
And the two accompanying appendices of numeric standards (A and B) to the OAC 3745-300-08, which have also been updated:

Appendix A to rule 3745-300-08 of the Administrative Code - http://codes.ohio.gov/pdf/oh/admin/2020/3745-300-08_ph_ff_n_app1_20191007_1302.pdf
Appendix B to rule 3745-300-08 of the Administrative Code - http://codes.ohio.gov/pdf/oh/admin/2020/3745-300-08_ph_ff_n_app2_20191007_1302.pdf

Timothy D. Hoffman
Partner

Dinsmore & Shohl LLP • Legal Counsel
Fifth Third Center
One South Main Street, Suite 1300
Dayton, OH 45402
T (937) 449-2847 • **M** (937) 572-7817
E tim.hoffman@dinsmore.com • dinsmore.com

From: Hersh, Stuart <hersh.stuart@epa.gov>
Sent: Wednesday, June 17, 2020 5:54 PM
To: Hoffman, Timothy <tim.hoffman@dinsmore.com>
Cc: Kolak, Shari <kolak.shari@epa.gov>
Subject: FW: Spinnaker proposed excavation

Tim,

EPA has the following comments and concerns. Please let me know if you would like a discussion, or if your technical expert would like to discuss this directly with Shari.

Thank you,

Stuart P Hersh
Associate Regional Counsel
Region 5
312-886-6235

From: Kolak, Shari <kolak.shari@epa.gov>
Sent: Wednesday, June 17, 2020 9:21 AM
To: Hersh, Stuart <hersh.stuart@epa.gov>
Subject: Spinnaker proposed excavation

Stu,

Please pass along to Spinnaker.

I took a quick look at their May 14,2020 Phase 2 Limited Subsurface Soil Investigation (Phase B) Work Plan. There are some issues.. They need to follow OEPA soil sampling guidance (attached). For example, discrete samples (not composite) are required for verifying the extent of contaminated soil excavation meets remedial objectives. I also noticed at MSB-13, the proposed excavation depth is 2 feet on Figure 6 but TCE was detected at 9,000 ppb at a depth of 4-6 ft. Also, Appendix C (Phase A LSI Laboratory Analytical Data) the ALS Environmental laboratory reporting limits are quite high, I assume because they used a dilution factors of 1, 20-, and in several cases a dilution factor of 125 was used for TCE analysis in sample MSB-15 2-4. I'm not a chemist but I'm pretty sure this is unacceptable. Also, the extent of the TCE/PCE contamination to the west of MSB-13 (in the neighbors yard) as no supplemental sampling, to define this area, was performed. I was under the impression that a second phase of supplemental sampling would be conducted as a next step instead of proposing to excavate blindly excavating in this area.

I would suggest our chemist and USGS liaison (for field sampling) take a closer look at the documents.

Shari Kolak

Remedial Project Manager

Remedial Response Section #1

Superfund & Emergency Response Division

Sampling to verify that the extent of a contaminated soil excavation meets remedial objectives

312-886-6151

kolak.shari@epa.gov

From: scott.glum@epa.ohio.gov <scott.glum@epa.ohio.gov>
Sent: Thursday, June 11, 2020 11:40 AM
To: Kolak, Shari <kolak.shari@epa.gov>
Subject: Ohio EPA Soil Sampling Guidance

Hi Shari. Attached are some Ohio EPA sampling guidance documents and generic soil cleanup standards. Composite soil sampling for VOCs is not recommended per U.S. EPA, January 2013, Waste Analysis at Facilities that Generate, Treat, Store, and Dispose of Hazardous Wastes – Draft 2: Solid Waste and Emergency Response, EPA 530-R-12-001. Let me know if you have any questions.

-Scott

Scott Glum
Site Coordinator
Ohio Environmental Protection Agency
Southwest District Office
Division of Environmental Response and Revitalization
401 East Fifth Street
Dayton, OH 45402-2911
(937) 285-6065 (office)
(937) 285-6404 (fax)
scott.glum@epa.ohio.gov
